Assembly of States Parties

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Draft resolution

Establishment of the Permanent Secretariat of the Assembly of States Parties to the International Criminal Court

The Assembly of States Parties to the International Criminal Court,

Bearing in mind article 112 of the Rome Statute of the International Criminal Court,

Recalling rule 37 and other relevant provisions of its Rules of Procedure, in which specific functions regarding servicing of the Assembly and subsidiary bodies established by the Assembly are assigned to, or contemplated for, the secretariat,

Recalling also its resolution ICC-ASP/1/Res.9 of 9 September 2003, by which it expressed its desire to ensure that adequate secretariat services are provided to the Assembly on a permanent basis, and requested the Bureau to study this question and to submit related proposals, including an assessment of the budgetary implications for the 2004 budget, so that the Assembly may take a decision thereon at its current regular session,

Noting that the Assembly has established, as of now, its Bureau, the Credentials Committee, the Committee on Budget and Finance and the Special Working Group on the Crime of Aggression, and that it may establish further subsidiary bodies, by virtue of article 112, paragraph 4, of the Rome Statute,

Considering that permanent secretariat services are necessary for the exercise of the functions of the Assembly and its subsidiary bodies and the fulfilment of the purposes of the Court,

1. *Takes note with appreciation* of the proposals submitted by the Bureau on the establishment of a permanent secretariat, including the assessment of the budgetary implications for the 2004 budget, and on the modalities for the progressive replacement of the provisional secretariat by the permanent secretariat;[1]

[1] See ICC-ASP/2/3.

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2. *Decides* to establish the Secretariat of the Assembly of States Parties (the Secretariat) in accordance with the provisions of the annex to the present resolution;

3. *Resolves* that the Secretariat shall operate under the full authority of the Assembly and report directly to the Assembly;

4. *Also resolves*, without prejudice to paragraph 3 of the present resolution, that the Secretariat shall be an integral part of the International Criminal Court and that, for administrative purposes, the Secretariat and its staff shall be attached to the Registry of the Court.

Annex

1. The Assembly of States Parties to the International Criminal Court hereby establishes the Secretariat of the Assembly of States Parties to the International Criminal Court (the Secretariat), which shall begin its operations on 1 January 2004.

2. The seat of the Secretariat shall be established at The Hague.

3. The Secretariat shall operate under the full authority of the Assembly and report directly to the Assembly in matters concerning its activities. The Secretariat shall be an integral part of the Court. For administrative purposes, the Secretariat and its staff shall be attached to the Registry of the Court. As a part of the staff of the Registry and, as such, of the Court, the staff of the Secretariat shall enjoy the same rights, duties, privileges, immunities and benefits.

4. The functions of the Secretariat shall be to provide the Assembly and its Bureau, the Credentials Committee, the Committee on Budget and Finance, the Special Working Group on the Crime of Aggression, as well as, upon explicit decision by the Assembly, any subsidiary body that may be established by the Assembly, with independent substantive servicing as well as administrative and technical assistance in the discharge of their responsibilities under the Rome Statute, where applicable by means of pooling with resources available with the Court, as provided in paragraph 8 below.

5. Within the framework established in paragraphs 3 and 4 above, the functions of the Secretariat shall include:

5.1 Conference-servicing functions:

(a) Planning, coordination and servicing of meetings, including the provision of interpretation services;

(b) Preparation, processing and publishing of documentation, including the editing, translation, printing and distribution of documents;

(c) Coordination of the effective functioning of conference and support services (staff, interpretation/translation, conference rooms, supplies, equipment, security services) before and during meetings;

5.2 Core legal and substantive functions:

(a) Substantive secretariat servicing, including: provision of documentation; preparation of pre-session and in-session documents, reports and analytical summaries; preparation of notes and statements for the President of the Assembly or chairpersons of the serviced bodies; provision of interpretation; provision of legal

advice on rules of procedure and the conduct of business; liaising with delegations; and making arrangements, upon request, for informal consultations among delegations;

(b) Advice within the Secretariat on legal and substantive issues relating to the work of the Secretariat and on the ramifications of the activities and decisions of the serviced bodies;

(c) Corresponding with Governments, the Court, non-governmental organizations and other relevant bodies and individuals;

(d) Protocol and credentials, including the administration of the solemn undertakings by judges, the Prosecutor and the Registrar and the management of participation rights (credentials of States Parties, observers, other invited States, non-governmental organizations), travel arrangements;

(e) Public relations;

(f) Cooperation with the host country;

(g) Bringing to the attention of the serviced bodies any matter which in the opinion of the Secretariat requires their consideration;

5.3 Core financial functions:

(a) Provision of advice on the Financial Regulations and Rules, drafting of statements on budgetary implications, and assistance in the preparation of texts on financial and budgetary matters;

(b) Preparation of the section of the draft budget of the International Criminal Court that relates to the Assembly and its Secretariat;

5.4 Administrative functions:

(a) Secretarial work;

(b) Management of Secretariat personnel;

(c) Administration of the budget of the Secretariat;

(d) Building and property management;

(e) Maintenance of records and archives, and library.

5.5 Any other functions that the serviced bodies entrust to the Secretariat.

6. The Secretariat shall be directed by the Director of the Secretariat, who will be selected by the Bureau of the Assembly, in consultation with States Parties, on the basis of a competitive procedure, initiated by the Registrar, and thereupon appointed by the Registrar.

The Director of the Secretariat shall have a comprehensive knowledge of the purposes, principles and procedures of the International Criminal Court and shall demonstrate that he/she possesses, if possible through experience gained at the international level, broad managerial and administrative skills.

7. Other personnel resources shall include staff necessary to provide the substantive, administrative and technical assistance specified in paragraphs 4 and 5 above.

8. The functions of the Secretariat shall be exercised in a manner consistent with the Statute and with the principles of effective financial administration and economy. To that end:

8.1 The Secretariat shall operate under the Financial Regulations and Rules and the Staff Rules and Regulations, in a manner that secures the adequate participation of the Secretariat in decisions on matters that affect its staffing and its operations. The Secretariat shall be subject to the internal and external auditing established for the Court;

8.2 The Secretariat and the other sections of the Court shall attempt, within the bounds of mutual respect for the independent exercise of their respective functions and of maintaining high levels of professionalism, integrity and competence, to find joint responses to situations of increased workload at the Secretariat, by making available to the Secretariat, to the greatest possible extent, the relevant expertise and physical resources of the other sections of the Court, whenever possible based on arrangements that the Secretariat and the other sections of the Court should agree in anticipation of such situations;

8.3 In situations where increased workload at the Secretariat cannot be met through cooperation with the other sections of the Court as called for in paragraph 8.2 above or through other means, the Secretariat shall respond to such situations, within the established budgetary framework, by outsourcing certain administrative, protocol or logistical services;

8.4 General operating services, building and property management, procurement services, library services and personnel services shall be pooled to the maximum extent with corresponding services of the Court.

9. The Secretariat shall be funded from the budget of the International Criminal Court. It shall have no income of its own and may not receive voluntary contributions directly from Governments or international organizations unless the Assembly decides otherwise.

10. The Director of the Secretariat shall be responsible to the Bureau of the Assembly for the proper functioning of the Secretariat.